UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: John Howard Pribyl Shelly Rae Pribyl Debtors.	Chapter 13 Bky Case No: 08-50963

NOTICE AND MOTION TO SEVER JOINT CHAPTER 13 CASE

TO: The Honorable Judge Robert J. Kressel, Trustee, and other entities specified in Local Rule 9013-3.

1. Shelly Rae Pribyl and John Howard Pribyl, debtors in the above-captioned case, by their attorney, move the Court for the relief requested and give notice of hearing.

2. The Court will hold a hearing on this motion at 8:00 a.m. on January 25, 2011, in U.S. Courthouse, Courtroom 2, 515 West First Street, Duluth, Minnesota 55802.

3. Any response opposing motion must be delivered not later than January 19, 2011, which is five (5) days before the time set for the hearing (including Saturdays, Sundays, and holidays). UNLESS A RESPONSE OPPOSING MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT HEARING.

4. This Court has jurisdiction over this motion pursuant to 28 U.S. C. §§157 and 1334. This proceeding is a core proceeding. The petition commencing this proceeding was filed on October 1, 2008. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. §105(a). The debtors Shelly Rae Pribyl and John Howard Pribyl propose to sever their case so that Shelly Rae Pribyl case is severed from John Howard Pribyl case, eventually allowing Shelly Rae Pribyl to convert her case to a Chapter 7 case:

a. The debtors Shelly Rae Pribyl and John Howard Pribyl have divorced.

6. If oral testimony is necessary as to relevant facts, the debtors Shelly Rae Pribyl and John Howard Pribyl will testify at the hearing.

7. WHEREFORE, the debtors request that this court enter an Order:

a. The debtor Shelly Rae Pribyl case is severed from the debtor John Howard Pribyl case; and
b. Grant such other relief as is just and proper.

Dated: December 30, 2010

/e/ WESLEY W. SCOTT - #0264787
Attorney for the Debtor(s)
13 7th Ave. S.
St. Cloud MN 56301
320-252-0330

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: John Howard Pribyl Shelly Rae Pribyl Debtors.	Chapter 13 Bky Case No: 08-50963

MEMORANDUM IN SUPPORT OF MOTION TO SEVER JOINT CHAPTER 13 CASE

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1. The debtors filed a Chapter 13 Petition October 1, 2008.

2. At the time the case was filed, the debtors resided in the State of Minnesota.

3. The first meeting of creditors was scheduled for November 4, 2008.

4. The deadline to file a complaint objecting to discharge of the debtor or to determine dischargeability of certain debts was January 5, 2009. The debtors' plan was confirmed on November 24, 2008. The debtors subsequently divorced.

5. 11 U.S.C. §105(a) provides that "[t]he Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title."

6. In the present case an order severing Shelly Rae Pribyl case from John Howard Pribyl case is necessary or appropriate.

7. Debtor Shelly Rae Pribyl and debtor John Howard Pribyl have divorced.

8. In the present case, the motion requesting that the cases be severed is timely filed.

9. In the present case, the administration of the case will not be hindered and the delay in administration of the case is minimal if the case is severed.

10. THEREFORE, based on the above reasons, Shelly Rae Pribyl and John Howard Pribyl respectfully request that the Court grant the motion to sever.

Dated: December 30, 2010

/e/ WESLEY W. SCOTT - #0264787
Attorney for Debtors
13 7th Ave. S.
St. Cloud MN 56301
320-252-0330

UNITED STATES BANKRUPTCY COURT
District of Minnesota

Case No: 08-50963

In re: John Howard Pribyl
Shelly Rae Pribyl

Debtors

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the Notice and Motion to Sever Joint Chapter 13 Case, Memorandum in Support of Motion to Sever Joint Chapter 13 Case, Certificate of Mailing, and Proposed Order were mailed to all parties in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail on December 30, 2010.

Date: December 30, 2010

/e/ WESLEY W. SCOTT - #0264787

EXHIBIT

CAPITAL ONE BANK
C/O TSYS DEBT MANAGEMENT
PO BOX 5155
NORCROSS GA 30091

CAPITAL ONE NA
2730 LIBERTY AVENUE
PITTSBURGH PA 15222

CASCADE COMPUTERS
4542 MAIN STREET
PO BOX 314
PEQUOT LAKES MN 56472

CENTERPOINT ENERGY
PO BOX 1144
MINNEAPOLIS MN 55440-1144

CENTRACARE CLINIC
1200 6TH AVE N
SAINT CLOUD MN 56303-2736

CENTRAL LAKES MEDICAL CLINIC
318 EAST MAIN ST
AITKIN MN 56431

CHASE
800 BROOKSEDGE BLVD
WESTERVILLE OH 43081

CITI
PO BOX 6500
SIOUX FALLS SD 57117

COLLEGIATE FUNDING SVC
10304 SPOTSYLVANIA AVE S
FREDERICKSBURG VA 22408

DELL BUSINESS CREDIT
PO BOX 5275
CAROL STREAM IL 60197-5275

EMBARQ
PO BOX 660068
DALLAS TX 75266-0068

GEMB/CARE CREDIT
ATTN BANKRUPTCY
PO BOX 103106
ROSWELL GA 30076

GMAC
PO BOX 130424
ROSEVILLE MN 55113

HERBERGERS
PO BOX 5211
CAROL STREAM IL 60197-5211

JC CHRISTENSEN
PO BOX 519
SAUK RAPIDS MN 56379-0519

MEMBERS COOPERATIVE
101 14TH STREET
CLOQUET MN 55720

MID STATE CREDIT
621 OAK STREET
BRAINERD MN 56401

MN DEPARTMENT OF REVENUE
PO BOX 64564
SAINT PAUL MN 55164-0564

MPLS CLINIC OF NEUROLOGY
SDS 12-1934
PO BOX 86
MINNEAPOLIS MN 55486-1934

NCO FINANCIAL SYSTEMS
507 PRUDENTIAL RD
HORSHAM PA 19044

PDC PAGES
PO BOX 2277
OREM UT 84059-2277

PROGRESSIVE INSURANCE
PO BOX 6807
CLEVELAND OH 44101-1807

SHEL DON GROUP
124 E SUPERIOR STREET
DULUTH MN 55802

ST JOSEPHS MEDICAL CENTER
PO BOX 88
PINE RIVER MN 56474

ST JOSEPHS MEDICAL CENTER
523 N 35TH ST
BRAINERD MN 56401

WELLS FARGO BANK
PO BOX 5445
PORTLAND OR 97208

WELLS FARGO MORTGAGE
PO BOX 10335
DES MOINES IA 50306

WFF NATIONAL BANK
BANKRUPTCY
4137 121ST ST
URBANDALE IA 50323

WFNNB/NEW YORK & COMPANY
PO BOX 182125
COLUMBUS OH 43218

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: John Howard Pribyl
Shelly Rae Pribyl

Debtors.

Chapter 13

Bky Case No: 08-50963

ORDER

This case is before the Court on the debtors Shelly Rae Pribyl and John Howard Pribyl motion to sever case.

IT IS ORDERED:

A. The debtor Shelly Rae Pribyl case is severed from the debtor John Howard Pribyl case.

Dated: ______________________________

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The Honorable Robert J. Kressel
United States Bankruptcy Court Judge